

Schwegman ■ Lundberg ■ Woessner ■ Kluth

### United States Patent Application COMBINED DECLARATION AND POWER OF ATTORNEY

COPY OF PAPERS ORIGINALLY FILED

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: <u>METHODS AND SYSTEMS TO ACCESS STORAGE OBJECTS</u>.

The specification of which was filed on November 29, 2001 as application serial no. 09/997,350.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. §1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

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Page 2 of 5

Attorney Docket No.: 1557.005U\$1

Serial No. 09/997,350

Filing Date: November 29, 2001

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

	D 11 24216	0 . 1	D No. 41 701	Name West	Reg. No. 44,255
Anglin, J. Michael	Reg. No. 24,916	Gortych, Joseph E.	Reg. No. 41,791	Nama, Kash	
Aronoff, Marvin S.	Reg. No. 35,052	Greaves, John N.	Reg. No. 40,362	Nelson, Albin J.	Reg. No. 28,650
Arora, Suneel	Reg. No. 42,267	Haack, John L.	Reg. No. 36,154	Nicholson, Lea A.	Reg. No. 48,346
Beekman, Marvin L.	Reg. No. 38,377	Harris, Robert J.	Reg. No. 37,346	Nielsen, Walter W.	Reg. No. 25,539
Berdie, Raymond R.	Reg. No. P-50,769	Jackson Huebsch, Katharine A.	Reg. No. 47,670	Padys, Danny J.	Reg. No. 35,635
Bianchi, Timothy E.	Reg. No. 39,610	Jurkovich, Patti J.	Reg. No 44,813	Parker, J. Kevin	Reg. No. 33,024
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Brennan, Thomas F.	Reg. No. 35,075	Kluth, Daniel J.	Reg. No. 32,146	Peterson, David C.	Reg. No. 47,857
Brooks, Edward J., 111	Reg. No. 40,925	Lacy, Rodney L.	Reg. No. 41,136	Prout, William F.	Reg. No. 33,995
Chadwick, Robin A.	Reg. No. 36,477	Lemaire, Charles A.	Reg No. 36,198	Schumm, Sherry W.	Reg. No. 39,422
Clark, Barbara J.	Reg. No. 38,107	LeMoine, Dana B.	Reg. No. 40,062	Schwegman, Micheal L.	Reg. No. 25,816
Clise, Timothy B.	Reg. No. 40,957	Lundberg, Steven W.	Reg. No. 30,568	Scott, John C.	Reg. No. 38,613
Cochran, David R.	Reg. No. 46,632	Maki, Peter C.	Reg. No. 42,832	Smith, Michael G.	<sup>136</sup> Reg. No. 45,368
Dahl, John M.	Reg. No. 44,639	Malen, Peter L.	Reg. No. 44,894	Speier, Gary J.	Reg. No. 45,458
Drake, Eduardo E.	Reg. No. 40,594	Mates, Robert E.	Reg. No. 35,271	Steffey, Charles E.	Reg. No. 25,179
Embretson, Janet E.	Reg. No. 39,665	McCrackin, Ann M	Reg. No. 42,858	Stordal, Leif T.	Reg. No. 46,251
FitzGerald, Joseph T. Reg. No.	o. 33,881	McTavish, Hugh E.	Reg. No. 48,341	Terry, Kathleen R.	Reg. No. 31,884
Forrest, Bradley A.	Reg. No. 30,837	Mehrle, Joseph P.	Reg. No. 45,535	Tong, Viet V.	Reg. No. 45,416
Gamon, Owen J.	Reg. No. 36,143	Moore, Charles L., Jr.	Reg. No. 33,742	Viksnins, Ann S.	Reg. No. 37,748
Gorrie, Gregory J.	Reg. No. 36,530	Muller, Mark V.	Reg. No. 37,509	Woessner, Warren D.	Reg. No. 30,440

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firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure
to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:
P.O. Box 2938, Minneapolis, MN 55402
Telephone No. (612)373-6900

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor Citizenship:	number 1: Thomas W. Lanzatella United States of America	Residence: Minneapolis, MN		
Post Office Address:	186 Malcom Avenue SE	-		
Signature:	Minntapolis, MN 55414	Date: 01 Ma	2002 Am	
	Thomas W. Lanzatella			
Full Name of joint inventor				
Citizenship:	United Kingdom	Residence: Dublin, CA	entermination of the second	
Post Office Address:	11582 Soleado Court	Residence: Dublin, CA	entransis in the granular	
•	•	Residence: Dublin, CA	atomic sogrape	
•	11582 Soleado Court	Residence: <b>Dublin, CA</b> Date:	aleur en grege	
Post Office Address:  Signature:	11582 Soleado Court	,	aleum vegena	

X Additional inventors are being named on separately numbered sheets, attached hereto.

Attorney Docket No.1557.005US1



SCHWEGMAN \_ LUNDBERG \_ WOESSNER \_ KLUTH

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made are punishable by fine	e; and further that these statements were made to or imprisonment, or both, under Section 10 the validity of the application or any patent is	01 of Title 18 of the United States Co	ode and that such willful false
Full Name of joint inventor Citizenship: Post Office Address:	number 1: Thomas W. Lanzatella United States of America 186 Malcom Avenue SE Minneapolis, MN 55414	Residence: Minneapolis, MN	
Signature:	Thomas W. Lanzatella	Date:	
Full Name of joint inventor	number 2: Graham Bromley	D.W. GA	,

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and

Signature: Coslum from

Citizenship:

Post Office Address:

Graham Bromle

Residence: Dublin, CA

Date: 4/17/02

**United Kingdom** 

11582 Soleado Court Dublin, CA 94568

X Additional inventors are being named on separately numbered sheets, attached hereto.

Page 3 of 5

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Citizenship: Post Office Address:	Or number 3: John A. Colgrove United States of America 790 Sunshine Drive Los Altos, CA 94042	Residence: Los Altos, CA	
Signature:		Date:	
	John A. Colgrove		
Full Name of joint invent	or number 4: <u>Ron Karr</u> United States of America	Baridanaa Bala Aka CA	
Citizenship: Post Office Address: .	333 Ramona Street Palo Alto, CA 94301	Residence: Palo Alto, CA	· · · · · · · · · · · · · · · · · · ·
Signature:	Policy S. Jhm.	Date: 3/15/2c	2002
		_	<del></del>
Full Name of joint invent Citizenship: Post Office Address:	or number 5: Blaine T. Cuykendall United States of America 732 Chapman Street San Jose, CA 95126	Residence: San Jose, CA	a a waxa wa
Signature:	Blaine T. Cuykendall	Date:	
		Date:	
Signature:  Full Name of joint invent Citizenship: Post Office Address:		Residence: Palo Alto, CA	
Full Name of joint invent Citizenship:	or number 6: Oleg Kiselev United States of America 555 Bryant #333	·	· · · · · ·

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Signature:

Page 4 of 5

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Full Name of joint invent Citizenship: Post Office Address:	or number 7: <u>Craig Harmer</u> United States of America 110 Clayton Street San Francisco, CA 94117	Residence: San Francisco, CA	
Signature:	Craig Harmer	Date:	
Full Name of joint invent Citizenship: Post Office Address:	or number 8: <u>Allen Unueco</u> United States of America 16226 NE 29th Street Bellevue, WA 98052	Residence: Bellevue, WA	T x ****
Signature:	Allen Unueco	Date:	
Full Name of joint invent Citizenship: Post Office Address:	or number 9: Steven Michael Umbehocker United States of America 4704 East Mercer Way Mercer Island, WA 98040	Residence: Mercer Island, WA	·
Signature:	Steven Michael Umbehocker	Date:	
Full Name of inventor: Citizenship: Post Office Address:		Residence:	

Date:

- 1.56 Duty to disclose information material to patentability.
- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by ' ' 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
  - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
  - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application:
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

Page 3 of 5

Full Name of joint invent Citizenship: Post Office Address:	United States of America 790 Sunshine Drive	Residence: Los Altos, CA	
Signature:	John A. Coltarove	Date: 3/22/02	
Full Name of joint invent Citizenship:	or number 4 : Ron Karr United States of America	Residence: Palo Alto, CA	
Post Office Address:	333 Ramona Street Palo Alto, CA 94301		
Signature:		Date:	
•	Ron Karr		
Full Name of joint invent			
Citizenship:	United States of America	Residence: San Jose, CA	
Post Office Address:	732 Chapman Street San Jose, CA 95126		
Signature:		Date:	
	Blaine T. Cuykendall		
Full Name of joint invent	or number 6: Oleg Kiselev		
Citizenship:	<b>United States of America</b>	Residence: Palo Alto, CA	
Post Office Address:	555 Bryant #333 Palo Alto, CA 94301		
Signature:		Date:	
	Oleg Kiselev		
X Additional inventors a	re being named on separately numbered sheet	s, attached hereto.	,

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Signature: Na.	San Francisco, CA 94117  Craig Harmer	Date: April	13,2002
Full Name of joint invento	r number 8: Allen Unueco		•
Citizenship: Post Office Address:	United States of America 16226 NE 29th Street Bellevue, WA 98052	Residence: Bellevue, WA	No need to a proceed and the second
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Brooks, Edward J., III	Reg. No. 40,925	Lacy, Rodney L.	Reg. No. 41,136	Prout, William F.	Reg. No. 33,995
Chadwick, Robin A.	Reg. No. 36,477	Lemaire, Charles A.	Reg. No. 36,198	Schumm, Sherry W.	Reg. No. 39,422
Clark, Barbara J.	Reg. No. 38,107	LeMoine, Dana B.	Reg. No. 40,062	Schwegman, Micheal L.	Reg. No. 25,816
Clise, Timothy B.	Reg. No. 40,957	Lundberg, Steven W.	Reg. No. 30,568	Scott, John C.	Reg. No. 38,613
Cochran, David R.	Reg. No. 46,632	Maki, Peter C.	Reg. No. 42,832	Smith, Michael G.	**Reg. No. 45,368
Dahl, John M.	Reg. No. 44,639	Malen, Peter L.	Reg. No. 44,894	Speier, Gary J.	Reg. No. 45,458
Drake, Eduardo E.	Reg. No. 40,594	Mates, Robert E.	Reg. No. 35,271	Steffey, Charles E.	Reg. No. 25,179
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FitzGerald, Joseph T. Reg. No	. 33,881	McTavish, Hugh E.	Reg. No. 48,341	Terry, Kathleen R.	Reg. No. 31,884
Forcest, Bradley A.	Reg. No. 30,837	Mehrle, Joseph P.	Reg. No. 45,535	Tong, Viet V.	Reg. No. 45,416
Gamon, Owen J.	Reg. No. 36,143	Moore, Charles L., Jr.	Reg. No. 33,742	Viksnins, Ann S.	Reg. No. 37,748
Gorrie, Gregory J.	Reg. No. 36,530	Muller, Mark V.	Reg. No. 37,509	Woessner, Warren D.	Reg. No. 30,440

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false

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P.O. Box 2938, Minneapolis, MN 55402
Telephone No. (612)373-6900

statements may jeopardize	the validity of the application or any patent i	ssued thereon.		
Full Name of joint inventor Citizenship: Post Office Address:	number 1: <u>Thomas W. Lanzatella</u> United States of America 186 Malcom Avenue SE Minneapolis, MN 55414	Residence: Minneapolis, MN	the control of the party of the	
Signature:	Thomas W. Lanzatella	Date:		
Full Name of joint inventor Citizenship: Post Office Address:	number 2: <u>Graham Bromley</u> United Kingdom 11582 Soleado Court Dublin, CA 94568	Residence: Dublin, CA	e – e trak ar statura un dengan ca –	
Signature:		Date:		

 $\underline{X}$  Additional inventors are being named on separately numbered sheets, attached hereto.

Graham Bromley

Attorney Docket No.1557.005US

SCHWEGMAN\_LUNDBERG\_WOESSNER\_KLUTH

# United States Patent Application COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: <u>METHODS AND SYSTEMS TO ACCESS STORAGE</u> OBJECTS.

The specification of which was filed on November 29, 2001 as application serial no. 09/997,350.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with 37 C.F.R. ' 1.56 (attached hereto). I also acknowledge my duty to disclose all information known to be material to patentability which became available between a filing date of a prior application and the national or PCT international filing date in the event this is a Continuation-In-Part application in accordance with 37 C.F.R. ' 1.63(e).

I hereby claim foreign priority benefits under 35 U.S.C. '119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed;

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. 1119(e) of any United States provisional application(s) listed below:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. ' 120 or 365(c) of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. ' 112, I acknowledge the duty to disclose material information as defined in 37 C.F.R. ' 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Attorney Docket No.: 1557.005U\$1

Page 2 of

Serial No. 09/997,350 Filing Date: November 29, 2001

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Gortych, Joseph E.	Reg. No. 41,791	Nama, Kash	Reg. No. 44,255
Aronoff, Marvin S.	Reg. No. 35,052	Greaves, John N.	Reg. No. 40,362	Nelson, Aibin J.	Reg. No. 28,650
Arora, Suneel	Reg. No. 42,267	Hauck, John L.	Reg. No. 36,154	Nicholson, Lea A.	Reg. No. 48,346
Beelman, Marvin L.	Reg. No. 38,377	Harris, Robert J.	Reg. No. 37,346	Niclsen, Walter W.	Reg. No. 25,539
Berdie, Raymond R.	Rcg. No. P-50,769	Jackson Huebsch, Katharine	A.Reg. No. 47,670	Padys, Danny J.	Reg. No. 35,635
Bianchi, Timothy E.	Reg. No. 39,610	Jurkovich, Patti J.	Reg. No. 44,813	Parker, J. Kevin	Reg. No. 33,024
Billion, Richard E.	Reg. No. 32,836	Kalls, Janal M.	Reg. No. 37,650	Perdok, Monique M.	Reg. No. 42,989
Black, David W.	Reg. No. 42,331	Klima-Silberg, Catherine I.	Reg. No. 40,052	Peret, Andrew R.	Reg. No. 41,246
Brennan, Thomas F.	Reg. No. 35,075	Kluth, Daniel J.	Reg. No. 32,146	Peterson, David C.	Reg. No. 47,857
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Dahl, John M.	Reg. No. 44,639	Malen, Peter L.	Reg. No. 44,894	Speier, Gary J.	Reg. No. 45,458
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Gorrie, Gregory J.	Reg. No. 36,530	Muller, Mark V.	Reg. No. 37,509	Woessner, Warren D.	Reg. No. 30,440

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor Citizenship:	number 1: Thomas W. Lanzatella United States of America	Residence: Minneapolis, MN	
Post Office Address:	186 Malcom Avenue SE Minneapolis, MN 55414	**************************************	
Signature:		Date:	
-	Thomas W. Lanzatella		
Full Name of joint inventor Citizenship:	number 2: <u>Graham Bromley</u> United Kingdom	Residence: Dublin, CA	· SE IN A NOTE OF TRANS
Post Office Address:	11582 Soleado Court	Residence: Dubini, CA	
	Dublin, CA 94568		
Signature:		Date:	
	Graham Bromley		

X Additional inventors are being named on separately numbered sheets, attached hereto.

Signature:

Page 3 of

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. Full Name of joint inventor number 3: John A. Colgrove United States of America Citizenship: Residence: Los Altos, CA Post Office Address: 790 Sunshine Drive Los Altos, CA 94042 Signature: Datc: John A. Colgrove Full Name of joint inventor number 4: Ron Karr FOR THE CAMPBETTER AND THE THEOLOGY Citizenship: United States of America Residence: Palo Alto, CA Post Office Address: 333 Ramona Street Palo Alto, CA 94301 Signature: Date: Ron Karr Full Name of joint inventor number 5: Blaine T. Cuykendall Citizenship: **United States of America** Residence: San Jose, CA Post Office Address: 32 Chappan Street Signature: Full Name of joint inventor number 6: Oleg Kiselev Citizenship: United States of America Residence: Palo Alto, CA Post Office Address: 555 Bryant #333 Palo Alto, CA 94301

Date:

 $\underline{X}$  Additional inventors are being named on separately numbered sheets, attached hereto.

Oleg Kiselev

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Attorney Docket No.: 1557.005US1 Serial No. 09/997,350 Filing Date: November 29, 2001

Call Name of ioint invent	or number 3: John A. Colgrove	• 10	and the second of the second o
Full Name of joint invent Citizenship: Post Office Address:	United States of America 790 Sunshine Drive Los Altos, CA 94042	Residence: Los Altos, CA	
Signature:		Date:	
	John A. Colgrove		
Full Name of joint invent Citizenship: Post Office Address:	tor number 4: <u>Ron Karr</u> United States of America 333 Ramona Street	Residence: Palo Alto, CA	· ST THE PROPERTY WE SEE THE PROPERTY ** ~ .
Post Office Address.	Palo Alto, CA 94301		
Signature:		Date:	
:	Ron Karr		<u> </u>
Full Name of joint inven Citizenship: Post Office Address:	tor number 5: Blaine T. Cuykendall United States of America 732 Chapman Street San Jose, CA 95126	Residence: San Jose, CA	t a line of the second of the
Signature:	Blaine T. Cuykendall	Date:	
Full Name of joint inventition Citizenship: Post Office Address: Signature:		Residence: Palo Alto, CA  Date:	1/02
X Additional inventors a	are being named on separately numbered sheet	s, attached hereto.	

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Attorney Docket No.: 1557.005US1 Serial No. 09/997,350 Filing Date: November 29, 2001

Full Name of joint inven	tor number 7: Craig Harmer	The proof of the p
Citizenship:	United States of America	Residence: San Francisco, CA
Post Office Address:	110 Clayton Street San Francisco, CA 94117	
Signature:		Date:
	Craig Harmer	
Full Name of joint inven		
Citizenship:	United States of America	Residence: Bellevue, WA
Post Office Address:	16226 NE 29th Street Bellevue, WA 98052	
.//	In z	Date: 4+4 March, 2002
Signature:	100	Date: 1127, 200
	Allen Unueco	
Full Name of joint inven		
Citizenship:	United States of America	Residence: Mercer Island, WA
Post Office Address:	4704 East Mercer Way Mercer Island, WA 98040	and the second of the second of the second
	Wichel Island, WA 70040	
Signature:		Date:
	Steven Michael Umbehocker	
Full Name of inventor:		
Citizenship:		Residence:
Post Office Address:		
		, s -
Signature:		Date:
-		

Attorney Docket No.; 1557.002 Serial No. 09/997,350 Filing Date: November 29, 200			Page 4
and belief are believed to like so made are punisha	e that all statements made herein of my own ke be true; and further that these statements we ble by fine or imprisonment, or both, under S may jeopardize the validity of the application	re made with the knowledge that wi ection 1001 of Title 18 of the Unite	liful false statements and the
Full Name of joint inven Citizenship: Post Office Address:	tor number 7: <u>Craig Harmer</u> United States of America 110 Clayton Street San Francisco, CA 94117	Residence: San Francisco, Ca	<b>.</b> -
Signature:	Craig Harmer	. Date:	
Full Name of joint invent Citizenship: Post Office Address:	tor number 8 : <u>Allen Unueco</u> United States of America 16226 NE 29th Street Bellevne, WA 98052	Residence: Bellcvue, WA	Policy Lines Pour Mr. Lines版 (関い Million) E 1 × Substitute
Signature:	Allen Unueco	Date:	
Full Name of joint invent Sitizenship: Post Office Address:	or number 9: <u>Steven Michael Umbehood</u> United States of America 4704 East Mercer Way Mercer Island, WA 98040	ker Residence: Mercer Island, Wa	remaining to the pro-
lignature:	Sieven Michael Umbehocker	. Date: <u>May</u>	104 2002
'ull Name of inventor: litizenship: 'ost Office Address:		Residence:	ంగాలు చేస్తునే నివేశ్వరం ఇంటు ఎంటు ఎ
lignature:		Date:	

#### § 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
  - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
  - (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
  - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compcls a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application:
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

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Attorney Docket No.: 1557.005U\$1 Scrial No. 09/997,350 Filing Date: November 29, 2001

Page 5 or

- 1.56 Duty to disclose information material to patentability.
- examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by ' ' 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
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